

DG

317

52j2a

1683

A Letter of Remarkes upon  
Jovian by a Person of Quality

By

William Atwood

A

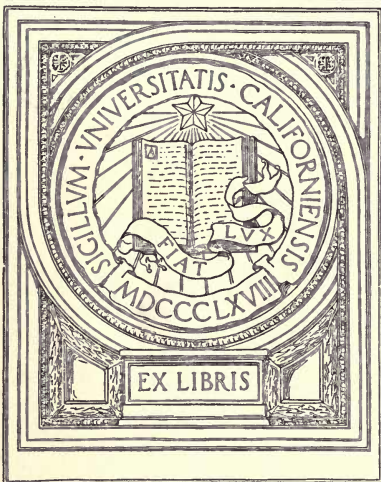
0000002725



UNIVERSITY MICROFILMS INTERNATIONAL

ESTC

UNIVERSITY OF CALIFORNIA  
AT LOS ANGELES



EX LIBRIS







A  
LETTER  
OF  
Remarks  
UPON  
JOVIAN.

*William Atterwood*

---

By a Person of *QUALITY*.

---

LONDON,

Printed for *H. Jones*. M.DC.LXXXIII.

A  
LETTER  
OF  
Remarks  
UPON  
JOVIAN.

By a Person of QUALITY.

LONDON,

Printed for H. Park, M.D.C.LXXIII.

Printed for H. Park, M.D.C.LXXIII.

[ 3 ]

DG

317

H52; Za

1683

# LETTER

O F

## Remarks

O N

# JOVIAN.

S I R,

**I** Must quarrel you for the Promise you extorted from me of giving a short account in writing of my free and Impartial Thoughts of the long expected *Jovian*. You know we are now under such unhappy Circumstances, that whatsoever is said or done against any false Pretender to the Service of the Crown, is look't upon as an Act of Disloyalty. And I may by some be thought an Enemy to the *Imperial Crown*, if I go to shew wherein one who talks high for it, has really deserv'd it; But since I am satisfied, that whatsoever mischief is in this, lyes only in the Opinion of those Men, whom I need not value: I shall not for their Sakes, deny my Promise, or my Friend.

I shall

HISTORY

JUL 20 1930

Norman

I shall not concern my self in the Merits of the Cause between him and his Adversary.

I shall only shew wherein it has suffer'd for want of a better Advocate.

But thus much is obvious, that if the Prince makes no claim to his Power, in such manner as he ascribes it to him; this Author is guilty of a foul mis-representation of him, in putting out such a labor'd Piece, as it were, on purpose to promote Fears and Jealousies. But then, if he both is so Invested with his Power, and will have it known that he will use it accordingly, as he sees Occasion, a weak and partial proof of it ought to be punish't as treacherous.

For this *Minister of London*, as he stiles himself, who will not allow the *Church of Jov. Pref. England* to be a true Church, unless we own the *Church of Rome* to be so too. I shall in short make it appear, that he has in this Book of his, shewn himself neither,

1. *Logitian*, Nor
2. *Good Historian*, Nor
3. *Fair and Equal Writer*;
4. Besides that, he *Undermines* the force of all that he would seem to say, by his *Concessions* and *Contradictions*. And then judge what Reward he deserves for his very great pains.

1st. Not *Logitian*, because he doth not, as he should, state the Question. The Paralelism in *Julian*, is not, between the State and Condition of *Christians* under *Pagan* Emperours, who Governed despotically while the *Christians* lived precariously, and were always under the *Bow-string Law*, as now in *Turkey*; and those Communities of *Christians*, who upon mutual Stipulation upon Oath, agree to keep such



such Laws as were then made, or after should be generally agreed unto, according to the Established Legislative.

Neither *Secondly*, Was it the Question what was to be done to Crowned Heads, but what might have lawfully been done to prevent the Succession of one of dangerous or suspected Principles : So that what followed was only Circumstantial. And if it did not shew what might be done by *Christians* in the like Case with those under *Julian* ; at the least, it shewed what was the nature of those *Prayers* and *Tears*, the acceptableness of which, some would think, God Evidenced by his miraculous Destruction of that Tyrant.

*2dly*, He shews himself no good *HISTORIAN*. For which I shall take notice of but four Particulars.

1. (In which he has likewise betrayed great Indiscretion) his producing the *Scotch Act* of Parliament for the Sacredness and Unalterableness of the Succession, without knowing any thing of that scurvy Story of *Elizabeth Mure*, or offering at any Disproof of it.

2. His Vouching the Solemn Recognition of King *James* his Title in Parliament, as an Argument that King *Henry* the Eighth's Limitation of the Crown by the like Authority, was void : When if he had read the History of the *Reformation*, he might have known that the *Limitation* he mentions, was by an Inauthoritative Will, the direction of the Parliament not having been duly pursued.

*Pref.*

*Burnets Hist.*  
*1st. Part.*

3. His

3. His carping at the Relation of Sir *Simon Dewes*, in the businels of the Queen of *Scots*. King *James* being more concerned for the fame of his Mother, than of our glorious Queen, caused Mr. *Camdens* Papers to be seized, and delivered into the hands of the then Earl of *Northampton*, who struck out what he pleased in that Matter ; which made the Poor man lament with Tears, as can even at this Day be sufficiently proved. This and the *Index Expurgatorius*. Sir *Simon* might well know, who being a Man of consummated Knowledge in all kind of Literature, and Antiquity ought not to be controul'd by one, whose utmost effort, after the Corrections and Helps of all his Friends, ends in this dispicable Trifle.

4. But then without the least Judgment or Knowledge of the various Acceptation of the Word. *Estate* both in Records and Histories, he falls foul upon the Lord *Hollis*, and would have it Treason, because he calls the King a *Third Estate*. This may be false, but surely no Treason, except he had said, *The King had but a Co-ordinate Power, and might be overrul'd by the other*. He would suggest, as if the ascribing that Letter about the Bishops Voting in Capital

Causes to that Lord, were a wrong  
*Jov. p. 235.* and scandal to his Memory. That it was his is past all doubt, he having own'd it in his Life time, and after continued the same Subject, which was Printed after his death, with other Contracts to the same purpose by others : & if the Dr. had been a man conversant in that Learning, he could not but have found

*Jov. p. 185.* by them, that the most Learned and Worthy Author of the *Grand Question*, is so far from having made good any Impu-  
 tation

tation upon the *Candor and Veracity* of that noble Lord, that how much soever he may have *Obliged the Age by his many Learned Works*, yet he may be concern'd to vindicate himself against the *Considerations* upon his Book long since Published.

3. I shall very briefly make good my Charge of his being no Fair nor Equal Writer : For this I might instance in his partial Quotations of *Bracton, Fleta, and Fortescue*, concerning our *English Government*, which it lyes upon Mr. J. to shew more at large : but I believe this Author would be loth to receive all their Sayings for Law, though back't with the Authority of the old *Mirror* to boot. I shall only evince him to be guilty of a little *Impiety* in his Quotation of *Acts of Parliament*, according to his own acceptation of the word, when he would apply it to others. You must understand that he splits the Hair very curiously between the *Imperial* and *Political Laws* of the Realm, by one of which, it seems, a man may be hanged, or loose what he has, when he is Justifiable by the other ;

*In all Sovereign Governments, Subjects, [ he says, ] must be* p. 245.  
*Slaves, as to this Particular ; they must trust their Lives and Liberties with their Sovereign. But the English Realm is a Perfect Sovereignty or Empire, and the King of Eng-*  
*land,*



p. 208. land, by the Imperial Laws of it, is a compleat Imperial and Independent Sovereign, to whom the foresaid Rights of Sovereignty do inseparably belong, VIZ. As he had before enumerated them.

1. To be accountable to none but God.
2. To have the sole Power and Disposal of the Sword.
3. To be free from all Coercive and Indicative Power. P. 202.
4. To have the Legislative Power, or the Power that makes any Form of Words a Law.

Now he chooses rather to prove that our King is an *Absolute Sovereign*; and therefore has these Incidents, than that he hath all these in an *Absolute Manner*, and therefore is an *Absolute Sovereign*.

But it falls out unluckily, that when in some Cases, the very Enacting Parts of Statutes, shall signifie nothing to Him; yet the most tolerable Proof that he brings, to shew that all the Civil Rights of the Nation are in the Kings Hands, to do as he pleases with any particular Person, especially ( THOUGH THE



THE PERSONAL ORDERS BY WHICH HE TOUCHES THIS OR THAT, OR THESE OR THOSE MEN, ARE NOT DRAWN INTO PRESIDENT, AND EFFECT NOT OTHERS:) p. 193. The best Proof of this (I say,) is drawn from the Preambles of Acts of Parliament about *Ecclesiastical Affairs*, most of them against the Usurpation of the *Roman See*, upon this *Imperial and Independent Crown*; and the strongest of them very unfairly cited.

Intending here but a taste of his Dis-ingenuity, I shall give but two Examples, and that in 24. H. 8. c. 12. and 25. H. 8. c. 21. He tells us.

P. 108. "By the whole Parliament, 24. H. 8. c. 12. it was Resolved, and so declared, that by sundry *Authentick Histories and Chronicles*, it is manifestly Declared and Expressed, that this Realm of *England* is an *Empire*, and so hath been accepted in the World, Governed by one Supream Head and King, having Dignity and Royal Estate of the Imperial Crown of the same.

P. 213. "After the words before cited, it follows, (says he) unto whom a Body *Politick* — — been bounden and owen to bear next unto God, a natural and humble Obedience, he being instituted and furnished with plenary, whole and Entire Power, Preheminence, Authority, &c.

Thus far he. But methinks, if he had intended fairness, he would at least have Answered the *Objection* from the following words, which some may take as *Restrictive*, Viz. Prerogative and Jurisdiction to RENDER and YIELD *Justice and Final Determination* to all manner of Folk, Resiants, or Subjects within this his Realm, in all Causes, Matters,

“ Debates and Contentions, hapning to incur, insurg,  
 “ or begin within the Limits thereof, without Re-  
 “ straint or Provocation to any Forreign Princes or  
 “ Potentates of the World.

Then the Statute 25. *H.8. c. 21.* has no more *Pious*  
 Treatment than the former. The words he has occa-  
 sion for, are these.

P. 212. “ That this your Graces Realm, Recogni-  
 “ zing no Superiour under God, but only your Grace  
 “ has been, and is free from Subjection.

Now me-thinks, this is a strange kind of Breach: to  
 say that this Realm is under God and the King, and  
 yet free from Subjection, sounds a little odly; where-  
 fore we must look further for their meaning: The *Act*  
 goes on thus,

“ TO ANY MANS LAWS but only such  
 “ as have been Devifed, Made and Ordained within  
 “ this Realm, for the Wealth of the same, or to such  
 “ other as by Sufferance of your Grace, and your Pro-  
 “ genitors, THE PEOPLE OF THIS YOUR  
 “ REALM HAVE TAKEN AT THEIR FREE  
 “ LIBERTY BY THEIR OWN CONSENT, to be  
 “ used amongst them; and have bound themselves  
 “ by long Use and Custome, to the observance of the  
 “ same, NOT AS TO THE LAWS OF ANY  
 “ FORREIGN PRINCE, POTENTATE, OR  
 “ PRELATE, but as to the *Customed and Antient*  
 “ *Laws of this Realm* by the said *Sufferance, Consent*  
 “ and *Custome*, and NONE OTHERWISE. It  
 standeth therefore WITH NATURAL EQUITY,  
 “ AND GOOD REASON, that in all and every such  
 “ Laws humane, made within this Realm, by the said  
 “ *Sufferance, Consents, and Custome*, your Royal Ma-  
 “ jesty, and your *Lords Spiritual and Temporal, and*  
 “ *Com*

“*Commons* REPRESENTING THE WHOLE  
 “STATE OF YOUR REALM, IN THIS YOUR  
 “MOST HIGH COURT OF PARLIAMENT,  
 “have full Power and Authority not only to dis-  
 “pence, but also to authorise some Select Persons to  
 “dispence with Those and all other Humane Laws  
 “of your Realm, and with every one of them, as the  
 “Quality of the Persons and Matter shall require, and  
 “also the said Laws, and every of them to ABRO-  
 “GATE, ADNUL, AMPLIFIE, OR DIMINISH,  
 “as it shall seem good to your *Majesty*, and the *Nobles*,  
 “and *Commons* of your Realm, as by divers good and  
 “wholesome *Acts* of Parliaments Made & Etablissemented  
 “as well in your Time, as in the Time of your most No-  
 “ble Progenitors, it may plainly and evidently appear.

Now who can help it, if some unlucky Fellow, ob-  
 serving these gross Omissions, should retort that Say-  
 ing of the *Worthy Prelate*, “That  
 “if he might use the Scriptures as *Jov. p. 184.*  
 “this Author hath used the *Sta-*  
 “*tutes*, he could prove there was no God; for leave  
 “out, *The Fool hath said in his Heart*, and then it fol-  
 “lows, *There is no God.*

*Atbly.* HE IS CONTRADICTORY in his Prin-  
 cipal and Fundamental Points, or at least yields  
 enough to destroy them, which are these three.

1. To shew that the Parallel between *Julians* Suc-  
 cession and the Doctor's here will not hold.

2. That the Succession is Sacred and Unalterable  
 by Humane Law.

3. That the Author of the Life of *Julian* is out  
 in his Notion of *Passive Obedience*; and that 'Tis as  
 much a Duty when ever the King exerts his Preroga-  
 tive



tive, or *Imperial Law*, as when he has declared any Law in Parliament, according to the *Politick* Constitution of the Nation

- For the 1. He tells us that 'tis absurd in *J.* to suppose that the *Empire was Hereditary* in *Julian's* Time. Because limited Inheritances came not in till after, with the Feudal Law ; and not with us till the *Normans*. and yet he cites *Dio*, who says, that
- Pref. the *Empire* was decreed BY THE SENATE UNTO *JULIUS* AND THE SONS OF HIS BODY. Nay,
- Pag. 9. he tells us, that this is an *Intail'd Kingdom by the Original Constitution of the Government* : that is, it was Intail'd before there was any such thing as a Limited Fee. But it seems, with him, nothing is an Inheritance, but what is claim'd by an antient Intail : thence he supposes that the Empire was not Hereditary, because the Emperours sometimes gave it to Adopted Sons and disposed of it as an Inheritance of their own Purchase or Acquisition :
- Pag. 65. he further will have it, that 'tis the nature of an Intail'd Estate, that it can by no means be dock't, and the Limitations defeated : which no man can suppose that the Author of the Life of *Julian* ought to prove against himself.
- 2dly. He is to prove that it is not in the Power of an *Act of Parliament* to defeat the Right of him who in ordinary Course should succeed to the Crown of *England* : the force of all his Arguments for this, is, that it is the nature of *Birthright and Inheritance, which is not founded upon*
- Jov. p. 78. she



*the Statutes, but upon the Original Custome and Constitution of the English Government, and the Laws of the Government being Established by the Laws of the Gospel. Thence God alone is* P. 203.

*the Author of this Hereditary Succession* Pref.  
*to the Crown,* Whence some will argue, that if according to the Laws of the Government, the King may Adopt another in Parliament, God himself would be the Author of this Adoption. But the main Question is, how this *London Minister* shews this to have been the *Original Custome and Constitution of the Government.* Is it because this Custome hath been derived down without Interruption? That he doth not go about to prove: or doth he shew how it comes to pass, that Interruptions in the Succession to the Empire, are an Argument that that was not Hereditary, and yet are no Obstacles here? Nay, doth he not own that this was not the *Original Custome and Constitution*, in saying, that it first came in with the *Normans?* Pref.

3. He undertakes to shew that the Author of the Life of *Julian*, is out in his Notion of *Passive Obedience*; and that it is as much a Duty when ever the King exerts his Prerogative, or *Imperial Law*, as when he has declared any Law in Parliament, according to the *Politick Constitution* of the Nation: or to use this *London Minister's* own Words, *That Passive-Obedience is due by the Gospel to the Sovereign* P. 164.

*Power, when the Sovereign Persecutes contrary to Law.* It is observable that his Antagonist never speaks of the least resistance to be made to the *Sacred Person* of the King, but to *Ministers* or *Officers*, acting without, or contrary to the Authority of his Laws, by which he speaks to his Subjects in a way

not

not to be questioned, much less control'd : and truly I am much deceived, if this Man says less in his *Lucid Intervals*, after some vain Ravings, he hath these words, *If by an inevitable necessity of de-*

P. 279. *fending themselves, he understands sudden*

P. 280. *and private Defence against an Assassin sent by the Kings Order, as his Malice seems to suggest, then it is nothing to his purpose, because the Kings Law, which is his most Authoritative Command allows us (as I suppose) that benefit, and if it do, it, doth not in the least contradict the Doctrine of Passive Obedience, which allows a Man to resist or use the Sword to defend his Life, when the Laws (from which I except all Laws destructive of the Kings Crown and Regality) Authorise him so to do.*

This sort of Resistance, you see, is not here excepted as *Destructive of the Regality*, but here he yields,

1. That the King in his Parliament speaks to us with greater Authority than out of it, or that the *Political Law is above the Imperial Law;*

P. 242. *for by the Imperial Law Subjects must be so far Slaves, they must trust their Lives and Liberties with their Sovereign.* Yet this, it seems is wholly frustrated by the Kings Laws for their *Preservation*, which may Authorise the using one that acts under, or by vertue of the *Imperial Law*, as an *Assassin*.

2. By just consequence from what is here granted, it follows, that if one acting barely under that Authority has no legal or sufficient Warrant, then he is guilty of a Breach of the *Kings Peace*, and a *Constable*, who by his Office is to keep the Peace, may assist the Party that is set upon, and require Neighbours to joyn with him, and so they may go from Parish to Parish in fresh Pursuit.

3. *This*

3. This doth not in the least contradict the Doctrine of Passive Obedience.

4. To the three foregoing Heads, you may add a fourth from another place of his.

P. 192. Even where an Emperour has *Absolute Power over his Subjects Lives and Estates, as to do what he pleases with particular Persons, he has not thereby right to enslave the whole People, by altering the Constitution of the Government from a Civil into a Tyrannical Dominion; or from a Government wherein the People had Liberty and Property into such a Government as the Persian was, and the Turkish now is, where the Subjects are the Princes Family, and all that they have is his by Law.*

To tell you plainly, I am almost as sorry as the Authors own Friends can be, that he should raise all mens Expectations to so little purpose, as any one may observe by this Just, though General Censure. 'Tis a hard case that a man should run the hazard of a Judicial and more *Authoritative* Censure, and yet do no Service to any Interest, or to his own Reputation. But thus it often happens when Clergy-men will be hooking in Civil Rights in *ordine ad Spiritualia*; and if they meet with the Fates of their Predecessors *Sybothorp* and *Manwaring*, they can be but pityed at the most by

S I R,

Your Humble

Servant.







UNIVERSITY OF CALIFORNIA AT LOS ANGELES

THE UNIVERSITY LIBRARY

This book is DUE on the last date stamped below

DG

317 Atwood -

H52jZa A letter of  
1683 remarks upon  
Jovian.

UC SOUTHERN REGIONAL LIBRARY FACILITY



A 000 000 272 5

DG  
317  
H52jZa  
1683

